

APPEAL NO. 021865  
FILED SEPTEMBER 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 24, 2002. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; that she had disability from \_\_\_\_\_ to March 19, 2002, as a result of her compensable injury; and that her average weekly wage (AWW) is \$414.00. In its appeal, the appellant (carrier) argues that the hearing officer's injury and disability determinations are against the great weight of the evidence. The file does not contain a response from the claimant. Neither party appealed the hearing officer's determination that the claimant's AWW is \$414.00 and that determination has, therefore, become final pursuant to Section 410.169.

DECISION

Affirmed.

Injury and disability are questions of fact for the hearing officer to decide. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993; Texas Workers' Compensation Commission Appeal No. 93560, decided August 19, 1993. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. A claimant's testimony alone may establish that an injury has occurred, and disability has resulted from it. Houston Indep. Sch. Dist. v. Harrison, 744 S.W.2d 298, 299 (Tex. App.-Houston [1st Dist.] 1987, no writ). When reviewing a hearing officer's decision for factual sufficiency, we will reverse the decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986). In challenging the hearing officer's injury and disability determinations, the carrier emphasizes the same factors it emphasized at the hearing. The significance of those factors was a matter for the hearing officer, as the fact finder, to determine. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge